

FULL COUNCIL MEETING MINUTES
March 18, 2019 - 1:30 PM
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Felton-Farmington Room, DelDOT Administration Building, Dover
(ASL Provided)

PRESENT

Todd Webb, Chair/DelDOT-ADA; Terri Hancharick, Vice-Chair; Gene Aucott, Easter Seals; Susan Campbell, DHSS/DMS/Birth to Three; Karen DiNardo, State Rehabilitation Council; Susannah Eaton-Ryan, The Arc of Delaware; Moni Edgar, CAP-UCP; Linda Heller, HLADE; Rick Kosmalski, Developmental Disabilities Council; Jocelyn Langrehr, DOL/DVR; Dale Matusevich, DOE; Karen McGloughlin, DHSS/DPH; Daniese McMullin-Powell, Advocate; Jim Miller, Polio/Post-Polio Support Group; Robert Overmiller, GACAPD; Loretta Sarro, DVR-ODHH; Lloyd Schmitz, Council on the Blind; Belinda Strickland, DART; Jennifer Tozer (for Leslie Hailey, DDDS; Laura Waterland, CLASI/DLP; Alexia Wolf, DSAMH (for Elizabeth Romero); John McNeal, Staff; Kyle Hodges, Staff; Amber Rivard, Support Staff; and Jo Singles, Support Staff.

GUESTS

Victoria Counihan, DOJ/AG
William Powell
Dana Beckton, Christiana Care/Diversity & Inclusion
Kristy Handley, BIAD
Tom Nickel, DelDOT
Julia Wolanski, Pennoni
Joe Ellis, DelDOT-ADA
Hermes Rodriguez, DelDOT-ADA

Interpreters: Caroline Greene/Peg Stewart

CALL TO ORDER

Todd called the meeting to order at 1:32 pm. Everyone introduced themselves.

ADDITION OR DELETIONS TO THE AGENDA

Deletion: Marlana Gibson – DSHA

Addition: Linda Heller – Showing of Text to 911 Video

APPROVAL OF MINUTES

Karen made a motion to approve the February 18, 2019 meeting minutes as submitted. Linda seconded the motion. The motion was carried with no one abstaining or opposing.

BUSINESS

Text to 911 Video

Linda spoke briefly about Text to 911 and showed a short video by Department of Safety & Homeland Security (DSHS). She stated that the DSHS oversees 911 and are represented on the DTRS (Delaware

Telecommunications Relay Service) Advisory Committee. Loretta and she are also on the DTRS Advisory Committee. Additional information can be found on the following link: <https://www.fcc.gov/>. Text to 911 works for individuals with hearing loss, speech disabilities, reporting an incident without the offender knowing, domestic violence and suicide situations. Linda noted that closed captioning needs to be added to the video. Videos and photos cannot be included when texting 911 at this time. Video Relay 911 is preferred if the individual can do so, but Text to 911 if the individual cannot do Video Relay. Most major providers have Text to 911 on their systems. Location has to be included in the text. Some states do not have Text to 911, but it should be nationwide at some point. Loretta commented that Delaware is the 14th state to have this service. She added that Delaware 911 has had a lot of training regarding TTY and Video Relay services, etc. for many years, which is commendable. Linda stated that 17 states have Text to 911. Karen asked how a person finds out if a state has Text to 911 service. Linda explained that information can be found on the fcc.gov link. Karen asked about Video Relay as opposed to sending a video. Loretta explained that the deaf or hard of hearing person has a monitor/phone screen/laptop and communicates through an interpreter using ASL. The person on the other end hears the interpreter. Linda thanked everyone for their time.

PAR (Pedestrian Access Route) Prioritization Plan and the DelDOT Transition Plan Support

Tom Nickel and Julie Wolanski spoke about the PAR Prioritization Plan and DelDOT Transition Plan Support (handout). Tom spoke about the DelDOT ADA Inventory & Assessment App using the Census Tract information. Julie reviewed the DelDOT App and explained the different features. She stated that Pennoni is a consultant hired by DelDOT to work on this project. The DelDOT prioritization Application supports DelDOT and is evaluating. The app will be used as a status tracker of the estimated 230.5 sidewalk miles, 6400 curb ramps, and 1450 bus stop patron pads identified by others as being non-compliant and ranks potential PAR projects by county to help distribute improvements across the State. The PAR Prioritization Tool include: Population/Demographics; ADA Compliance of Existing Features; Land Use/Accessibility; and Transit Ridership.

John asked how much funding is allocated annually to correct non-compliance. Tom explained that currently PAR has a \$3M annual budget and has \$11M in construction work in the cue. Tom stated that it would take \$23M annually for DelDOT to transition existing networks to meet the 15 Year Transition, which is not creating new features or paths. This has been federally required since 1990. John asked about the correlation between the pedestrian crash data and number of pedestrian deaths. He noted that Delaware has the third highest pedestrian fatality rate per capita in the nation. John asked about a correlation between lack of compliant infrastructure and the fatality rate. Tom explained that is not currently tracked on the Crash Data Reports, but the Department is starting to look at this. John explained that walkers can utilize a non-compliant path, but wheelchair users do not have a place to navigate and use the street to get through. Tom stated that he is working with Jim Pappas and the Sidewalk Committee to fill in gaps. Linda spoke about the funding that legislators receive through the Community Transportation Fund and that there does not seem to be coordination with DelDOT on what in their district is a priority. Tom explained that when the issue arises within a subdivision, it still depends on working with that particular legislator in that district. DelDOT only look at roads that they have responsibility in their assessment. Alexia asked how the data could be accessed for walkability. She added that DSAMH is always looking to expand their housing inventory, and it would be helpful to target areas that are more compliant and walkable. Julie stated that she worked with Professor David Racca on the criteria of data. He sent her a data set that she was able to use in the app. Julie provided his contact information: David Racca, MS, (302) 831-1698 and email is dracca@udel.edu.

“DiverseAbilities” Employee Resource Group – Diversity & Inclusion

Dana Beckton (Director of Diversity and Inclusion/Christiana Care Health System) distributed and reviewed her PowerPoint overview on Implementing a Disability Inclusion Strategy at Christiana Care Health System. Her goal is to become better connected with SCPD. She explained Christiana Care’s commitment:

- 2011 – Participated in Project Search (70 students have completed the program/started with 5-6 students in a year to 12 currently, job placements in patient escort, sterile processing, food & nutrition)
- 2017 – Coordinated with the National Organization on Disabilities (NOD): Disability Tracker
- 2018 – Disability Inclusion Strategy
- 2019 – DiverseAbilities Employee Resource Group.

The Disability Tracker measures five major areas:

- Strategy & Metrics
- Climate & Culture
- People, Policies & Practices
- Talent Sourcing
- Workplace & Technology

Disability Inclusion Strategy:

- Elevate disability as a priority, setting specific goals
- Culture change
- Targeted recruitment sourcing
- Improved workplace accessibility

Three levels include:

- Exploration
- Compliance (CCHS is here)
- Competence (striving for)
- Competitive Advantage (striving for)

DiverseAbilities Employee Resource Group

- Promoting Advocacy, Awareness and Observance of the abilities of person with disabilities
- Promoting Educational Opportunities for staff about employment persons with disabilities to expand career opportunities
- Promoting Respectful interactions between employees with and without disabilities through education and awareness efforts
- Promoting and enhancing the culture of inclusion for all persons with a disability working at CCHS

Dana stated that they are working with NOD to contract with a vendor who can do a wall-to-wall/floor to ceiling assessment of their facility, including both patients and employees. She noted that employees with disabilities were initially reluctant to self-identify, but this is changing.

Dana stated that she wants to learn and bring information back to CCHS. Todd asked if training is provided to employees, for example, working with someone with autism and the person needs time to redirect. Dana commented that they do not yet have prepared training. The Job Coaches or Leads (through Project Search) will do one-on-one coaching or training. She commented that CCHS is hosting an event on April 11 at the Ammon Education Center (12:00 pm–1:30 pm) as part of Autism Awareness Month. Dana will email the flyer to Jo for distribution. Todd asked if the awareness training and other efforts are engrained in policy and in the top-down approach. Dana commented that in the Disability Tracker, they do not call any specific diversity dimension by name, but need to do a better job carving out those pieces. She and her colleague are in the process of redoing their section of Employee Orientation. Terri asked if she has partnered with the Center for Special Health Care Needs at Wilmington Hospital. Dana explained that one of the people involved with DiverseAbilities has been involved with this. Dana added that there are many people connected in this work.

Linda commended Dana about the work in Project Search, with CCHS having such a huge impact. Linda spoke about someone having an expertise in a certain area does not mean that they are sensitive in understanding. She have an example of receiving calls from deaf or hard of hearing patients who are receiving a cochlear implant and that the doctor or nurse calls and assumes that they could hear them. Dana recommended that patients should be encouraged to call the Patient Services Department to raise awareness. Karen recommended working with the Academy of Medicine and the Public Health Journal as an opportunity to further extend to the medical community to highlight what is happening at CCHS. Dana will provide her contact information to Jo for distribution. Kyle asked how often the DiverseAbilities Resource group meets. Dana stated that most employee resource groups meet once a month. Since this group has just launched, they are meeting more frequently to create a charter, define roles and responsibilities, etc. Kyle asked if all types of jobs are included. He noted that many times nurses and doctors do not necessarily know how to work with people with disabilities and having training for these groups is critical.

Rick suggested that Dana get in contact with JP Morgan-Chase to collaborate on employing people with disabilities. He said that this also ties in with the Business Leadership Network. Dana commented that they are planning a high-level ERG forum with CCHS in July and are including other businesses so that other employee resource groups can network with the CCHS Employee Resource group. A question was asked if graduates from the Project Search were part of the DiverseAbilities Resource Group. Dana confirmed that they were. Todd asked if Dana was involved in Project Search. Dana explained that Project Search is run by the HR Department, but she gets involved. Todd asked if she could be a business liaison for Project Search with her advocacy of inclusion and resources. Dana commented that someone in HR currently does that. Dana added that her HR colleagues are fully immersed and committed, and have a great understanding. Dale added that Dana does a lot of promotion for DOE within the community. She has also helped set up lunchtime learning around disability awareness at CCHS on a rotation basis.

John spoke about a vendor for self-evaluation of programs. He asked if this covers all of CCHS. Dana stated that this is for all of CCHS. He said that he had suggested hiring an ADA Coordinator who could facilitate the process since CCHS is the largest private employer in the state. He added that someone knowledgeable about EEOC would be important. Dana commented that they have found that different vendors do pieces of it. Dana gave an example where a situation is already ADA compliant, but more needs to be done for the employee to do their job or for the patient. CCHS wants to raise inclusiveness and the NDO has a vendor that has been recommended. Laura commented that ADA compliance is multi-faceted. Part of ADA compliance is following ADA Accessibility Guidelines (ADAAG) and

another part is following Reasonable Accommodation. Jim spoke about bringing together doctors and nurses who are department heads to have discussions with new employees and speaking about accessibility, etc. He added that this was very effective in changing attitudes in the past. Dana commented that they are in the process of redesigning New Employee Orientation. The Employee Resource Group is part of this. They also have to take into consideration time constraints and limited resources. Dana stated that physicians are part of the process. Kyle thanked Dana for attending today.

Committee Reports

Brain Injury Committee (BIC) – TBI Fund Policy

Tammy Clifton is the new Chairperson of BIC. Kyle stated that a draft Senate Concurrent Resolution that promotes the awareness of people with brain injury was presented to Senator Poore and that we are waiting for the presentation date. He added that DPH is welcome to attend and he will forward a confirmation. He stated that Dee Rivard has written a PSA (Public Service Announcement) for Brain Injury Awareness Month, which will be distributed to various newspapers and radio stations. Kyle spoke about the TBI Fund. An average of 26 applications have been received annually in the past few years. Funds from 2018 amount to \$16,300 and these funds need to be used by the end of this fiscal year or they will be reverted. Another \$50,000 for 2019 is available and these funds can be carried over into next year. Additional information is available on the SCPD website. He asked everyone to spread the word. This program provides financial assistance for neurotherapy services, camps, driver assessments exams, whole harness systems, scooters, etc. John added that this program is the payor of last resort. He added that we would be happy to provide information at events. He suggested that flyers could be put in waiting areas of neurology offices. Karen spoke about continued efforts to push for a Brain Injury Registry in Delaware and the type of data that needs to be collected, where it would be housed, etc. A representative from DHIN (Delaware Health Information Network) will attend the next meeting. In order to make the Registry happen, there will be a price tag and required legislation. The goal is to have something in writing by the end of the year. Terri asked about including individuals with cerebral palsy into this group. John commented that there has not been movement to include this group. Kyle commented that it might be something to consider.

Karen asked why there is a separation between acquired and traumatic brain injury. Kyle explained that originally there was going to be a surcharge collected on moving violations to fund the TBI Fund program. Many states have this. Instead, it was written in epilogue language that provides \$50,000 a year. He added that this could be revisited. Terri explained that her daughter could be considered as a traumatic brain injury after birth or as having cerebral palsy. Kyle also spoke about the TBI Registry numbers would be related to traumatic brain injury. Karen stated that we would run into the same problem with TBI when you look at diagnosis and codes. The most severe diagnosis and coding is reported at the ER at the top and data collection points only take the first two or three so if there is a concussion associated with it, it will not be included in the data collected. She added that this would be a learning and training process.

Kyle added that the legislators that support this would present it in a way that works. Linda spoke about her experience in writing the TBI Waiver and the Brain Injury Grant, and running a Brain Injury Unit. This issue was addressed in the original brain injury grant initiative. Many states that receive these grants are targeted to TBI and there is a definition for TBI and non-traumatic brain injury. They are two different diagnoses and are from two different causations. She added that there seems to be a lack of awareness and marketing and not so much the need for people with traumatic brain injury. She cautions

on changing the initial definition before looking at other factors. She asked that we move forward with education and background in mind. Karen commented that a representative from the VA attended the BIC meeting. The VA seems to be putting more focus on this and providing additional funding because they recognize that newer veterans have traumatic brain injuries. She added that there would be more health care changes occurring in the VA system, which will potentially affect the communities they live in, with veterans receiving more health care in the community. The VA is looking on how to better serve these veterans in the community.

Employment First Oversight Commission

Kyle referenced a letter send to specific agencies requesting data to the services their agency provides to facilitate employment for people with disabilities (handout). The request included response to questions by March 27th. He will continue to provide updates on responses received from the agencies. Kyle also spoke about two service providers that provide 14(c) subminimum wage certificate programs--CHIMES and Elwy. He noted that they provide other services where people receive minimum wage or above. CHIMES has 140 and Elwyn has 108 that receive pre-vocational services. Terri commented that it would be beneficial to know the age range. Jocelyn confirmed that no one goes from high school to sheltered employment without going through DVR. She added that that Workforce Investment Opportunity Act (WIOA) changed the law so that DVR needs to reach out to all 511 cases in sheltered workshops and offer vocational rehabilitation services. If the person is interested, a case is opened and they have a designed person to work on this. If someone refuses services, they are required to recheck the status in six months. They also need to continually educate CHIMES, Elwyn and KSI. Kyle commented that KSI did not renew their 14(c) certificate. Kyle added that he has invited them to an EFOC meeting to discuss some issues they are having in the transition. Susannah asked Jocelyn if DVR has data of those transitioning out of high school and going through DVR have been deemed unemployable in supportive employment and how many have moved into pre-vocational situations. Jocelyn stated that a person can return to pre-vocational services and DVR will work with them up to four years. Jocelyn recommended that Susannah send her an email with specifics and she will research this.

Policy & Law Committee

Kyle spoke about SB 27 – Share the Care Act and reviewed the DLP Analysis (handout). Although this bill is well intended, there are issues with it. The Policy & Law Committee recommended staying neutral instead of opposing or endorsing the concept, but was unable to come to a final decision. He reviewed the concerns in the analysis. Karen commented that this had come up previously and she thought that we wanted people to administer medication. Laura added that conceptually it is the right thing to do, but the language is different from last year. She added that there is a lot of pushback from the nursing community. This bill only covers personal assistants from home health agencies. One of the concerns is that direct care workers providing care to competent persons can already administer medication to patients and this should be clarified. The inability of unlicensed personnel to administer medications in the community puts individuals at risk of institutionalization. The overly broad definition of “Responsible Caregiver” creates potential problems as to whom is permitted to authorize a direct care worker to administer medication. After more discussion, Robert made a motion that the SCPD remain neutral on this legislation. Daniese seconded the motion. The motion was carried with no one opposing or abstaining.

Kyle spoke about HB 59 – Community Transportation Fund. This legislation requires that the DelDOT Secretary publish a report showing transaction history of how the funds are spent. The Policy & Law Committee voted to endorse this legislation because it increases transparency.

Daniese, Laura and he met to discuss the FOIA legislation. Laura is doing more research, but found that quite a few states are making changes. We are looking to amend the legislation to include teleconferencing, web conferencing and video conferencing for the purposes of quorum and voting. More discussion will take place before bringing to the Full Council for approval.

There is a meeting tomorrow with Representative Baumbach regarding End of Life Options. He is gathering both people for and against the legislation. John, Todd and Terri will attend. Kyle will keep everyone updated.

There is legislation to increase the fines for those illegally parking in accessible parking spaces. We endorsed the legislation and submitted comments that the issues are around enforcement and some of the parking spaces are not compliant and the person illegally parked cannot receive a ticket. There is a meeting with Senator Delcollo on March 28th.

The Telecommunications Relay Advisory Committee had a representative from SCPD. We asked that SCPD be removed because Loretta is on this group and can report to SCPD. The Delaware Association of the Deaf will be added.

The Nursing Home Residents Quality Assurance Commission did not have representatives from the elderly or persons with disabilities. The regulation was amended to add advocates from these groups.

Executive Committee

The Executive Committee met today and discussed ways to strengthen SCPD and requiring higher-level membership. Discussion will continue and a recommendation will be presented to the full Council for a final decision at some point. Changes would also involve changing the Delaware Code.

Deaf & Hard of Hearing Committee

This group has not recently met. The Registry for Interpreters is still in the works. The Council on Deaf & Hard of Hearing Equality (CODHHE) has not been active for more than five years. Kyle asked for a motion to rescind the Executive Order. He added that he shared this with Loretta and Linda. Kyle spoke of a fund left to CODHHE by someone who passed away. The original amount was \$10,000. There is about \$8,100 left under CODHHE. DVR has agreed to administer the fund with the intended purpose for educational purposes for people who are deaf and hard of hearing. Since Peg was providing interpreting services, she agreed to speak to Kyle after the meeting. Linda asked what the specific purpose of the funds when moved to DVR. Kyle stated that we want to ensure the funds are used for the purpose that the person who left them intended. He recommended getting an MOU (Memo of Understanding) or something similar in writing. Linda indicated that she would like be part of that discussion. She added that educational issues are under the purview of DVR and they have a lot of funding for educational purposes. The funding could be designated for people in the community that do not qualify for DVR services. Kyle agreed that this needs to be clarified. He will also check with Lydia Massey about the process. Victoria suggested checking the document to see the intent. Robert made a motion to rescind the Executive Order. Laura seconded the motion. Motion carried with no one opposing or abstaining.

Home & Community Based Services Committee

Several met with Senator Poore in early March to discuss Personal Attendant Services issues, including wages, emergency back-ups, and attendants being allowed to assist while client is hospitalized. Senator Poore recommended that a task force be created about pay increases for attendants. She asked if we would want to eliminate the waiting list of the PAS Program under DSAAPD. Kyle commented that working on pay increases for attendants and reducing the waiting list would be good. He added that a task force should include decision makers. Currently, the waiting list is about 200 (not including those considered critical and urgent need). He noted that, without the pay raise, the waiting list would not go down. Terri stated that a career path is needed. Laura added that this is a nationwide problem. Terri stated that a standardized occupational code needs to be established by the U.S. Bureau of Labor Statistics. Without that, we cannot get the statistics needed. Terri added that she spoke to Andrea Guest and she thought that maybe it would fit under another occupation, but job definitions would be needed for personal care attendants, the direct support workers and home health attendants. Kyle suggested that a structured body is needed, for example, a task force.

Housing Committee

The Committee has not met in more than a year. New Castle County is hosting a meeting on the Impediments to Fair Housing on March 29th. Kyle and Daniese are planning to attend.

ANNOUNCEMENTS

The Bond Bill Hearings takes place the last two weeks of this month. The DMMA JFC Hearing is scheduled for March 20th.

Karen stated that April is Sexual Assault Awareness Month. She is the Coordinator and has the CDC grant. She commented that persons with disabilities have a high risk of violence and sexual assault than anyone. She distributed a flyer about a Candlelight Vigil on Tuesday, April 9th at Dover High School. She also distributed a list of April Calendar of Events happening to raise awareness and advocacy. She also had post-it on the table if anyone was interested. April 7-13 is the Annual Crime Victims' Rights Week. There are services and special funding available to assist victims of these crimes.

Laura spoke about a grant that CLASI received less than a year ago to investigate representative pays. They receive referrals from the Social Security Administration on individual pays and institutional pays. They will be generating their own and filtering through Social Security whether it is appropriate to investigate. She encouraged people to contact CLASI if they are suspicious of the individual's handling of these funds or an institution's handling of these funds. There are two elements to the program: education and serious mismanagement.

Linda stated that May is Better Speech & Hearing Month. There will be a kick-off on April 13th at the Kirkwood Highway Library at 1 pm.

Todd said that Joe Scruggs reached out to him to announce that there will be an app for paratransit. He will be sending out a link soon asking people to participate. The app will be audible.

The Bond Bill Hearings and JFC are a great opportunity to advocate. He encouraged people to testify for Tom Nickel at the DelDOT Bond Bill Hearing for DelDOT.

PUBLIC COMMENT

None

ADJOURNMENT

Todd thanked everyone for attending. The meeting adjourned at 3:52 pm.

Respectfully submitted,

Jo Singles
Administrative Specialist

SCPD/minmar19